

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PACIFIC BIOSCIENCE LABORATORIES,  
INC., a Washington Corporation,

Plaintiff,

v.

NUTRA LUXE MD, LLC, a Florida Limited  
Liability Company, and

NUTRA BOTANICAL MD, INC., a Florida  
Corporation,

Defendants.

Case No.: 2:10-cv-00230-JLR

~~PROPOSED~~ ORDER GRANTING JOINT  
MOTION FOR STIPULATED PERMANENT  
INJUNCTION

This matter came before the Court on the parties' Joint Motion for Stipulated Permanent Injunction. Having considered the motion, and being fully advised on the premises, now, therefore, it is:

ORDERED that the Joint Motion for Stipulated Permanent Injunction is GRANTED; and

The Court hereby enters the following PERMANENT INJUNCTION:

A. NutraLuxe MD, LLC and Nutra Botanical MD, Inc., any of their respective members, managers, officers, directors, agents, servants, employees, attorneys, subsidiaries, insiders (as defined in 11 U.S.C. § 101 (31)), and those persons acting in concert or participation with any of them who receive actual notice hereof, are hereby restrained and enjoined, pursuant

~~PROPOSED~~ ORDER GRANTING JOINT MOTION  
FOR STIPULATED PERMANENT INJUNCTION  
(2:10-cv-00230-JLR)

FAEGRE BAKER DANIELS LLP  
3200 Wells Fargo Center  
1700 Lincoln Street  
Denver, CO 80203  
(303) 607-3500

1 to 35 U.S.C. § 283 and Fed. R. Civ. P. 65(d) from infringing, contributing to the infringement, or  
2 inducing the infringement of PBL's U.S. Patent No. 7,320,691, including by making, using,  
3 offering to sell, selling within the United States, or importing into the United States any of the  
4 Infringing Products or any other product with a feature or features not more than colorably  
5 different from any of the infringing feature or features in any of the Infringing Products.

6 B. NutraLuxe MD, LLC and Nutra Botanical MD, Inc., any of their respective  
7 members, managers officers, directors, agents, servants, employees, attorneys, subsidiaries,  
8 insiders (as defined in 11 U.S.C. 101 (31)), and those persons acting in concert or participation  
9 with any of them who receive actual notice hereof, are hereby restrained and enjoined pursuant  
10 to Fed. R. Civ. P. 65(d) from infringing PBL's trade dress, including by selling, offering to sell,  
11 advertising or promoting in the United States any of the Trade Dress Infringing Products or any  
12 other products that are substantially similar in visual appearance to the Trade Dress Infringing  
13 Products.

14 C. NutraLuxe MD, LLC and Nutra Botanical MD, Inc., any of their respective  
15 members, managers, officers, directors any of their officers, directors, agents, servants,  
16 employees, attorneys, subsidiaries, insiders (as defined in 11 U.S.C. 101 (31)), and those persons  
17 acting in concert or participation with any of them who receive actual notice hereof, shall,  
18 pursuant to Fed. R. Civ. P. 65(d) and U.S.C. §§ 1116 & 1118, deliver up and destroy the  
19 following articles in the possession of any of them: (i) all Trade Dress Infringing Products and  
20 any colorable imitations thereof, (ii) all labels, signs, prints, packages, wrappers, receptacles and  
21 advertisements bearing images of the Trade Dress Infringing Products or any colorable imitations  
22 thereof and (iii) all plates, molds, matrices, and other means of making the Trade Dress  
23 Infringing Products or any colorable imitations thereof.

24 D. NutraLuxe MD, LLC and Nutra Botanical MD, Inc. shall, pursuant to Fed. R. Civ.  
25 P. 65(d) and 15 U.S.C. § 1116, file with the Court and serve on the Plaintiff within thirty (30)  
26

1 days after entry of this permanent injunction a report in writing under oath setting forth in detail  
2 the manner and form in which Defendants have complied with this permanent injunction.

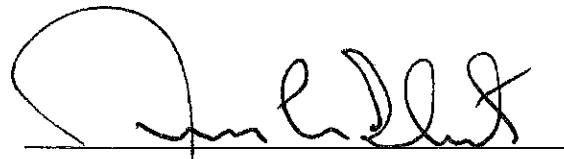
3 **DEFINITIONS**

4 For the purposes of this Order, the following definitions shall apply:

5 1. "Infringing Products" includes the following of the Defendants' products, which  
6 have been found to infringe U.S. Patent No. 7,320,691: Nutra Sonic Professional, Nutra Sonic  
7 Essential, Nutra Sonic Companion, Nutra Sonic Bella, ProSonic, SkinnSonic Classic, and  
8 SkinnSonic Ultra.

9 2. "Trade Dress Infringing Products" includes the following of the Defendants'  
10 products, which have been found to infringe the Clarisonic System trade dress of Plaintiff Pacific  
11 Bioscience Laboratories, Inc.: Nutra Sonic Professional, Nutra Sonic Essential, Nutra Sonic  
12 Companion, and Nutra Sonic Bella.

13 Dated this <sup>u</sup> 27 day of <sup>June</sup> ~~(insert month)~~, 2013.

  
United States District Judge